

Planning & Zoning Commission Meeting
Minutes of January 4, 2012
1st Floor North Conference Room - City Hall

Present: Chairman Mark C. Brooks, Vice-Chairman Nathaniel Cannady, Kristy Carter, Jeremy Goldstein, Jane Gianvito Mathews, Holly P. Shriner and Paul Smith

Absent: None

Pre-Meeting - 4:30 p.m.

The Commission clarified a few questions regarding the evening's agenda items and discussed dates and ideas for the upcoming annual Commission retreat. Potential dates will be reviewed separately with Commissioners e-mail staff their availability. Chairman Brooks suggested the retreat topic of reviewing all the various Boards, Commissions, and Committees that the City has and what their respective charges are.

Regular Meeting - 5:00 p.m.

Chairman Brooks called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Vice-Chairman Cannady moved to approve the minutes of the December 7, 2011, minutes with a numerical amendment. This motion was seconded by Mr. Goldstein and carried unanimously by a 7-0 vote.

Agenda Items

- (1) **Review of the Conditional Zoning request for the project identified as White Oak Grove Apartments located at 275 and 281 Hazel Mill Road to rezone from RM-8 Residential Multi-Family Medium Density District to RM-16/Conditional Zoning Residential Multi-Family High Density District/Conditional Zoning for the development of 92 apartment units housed in three buildings. The owner is White Oak Grove, LLC and the contact is Bob Grasso. The properties are identified in the Buncombe County tax records as PINs 9638.39-9131 and 6188.**

City Attorney Oast said that Chairman Brooks has a conflict on this matter and should be recused from participating. Therefore, Ms. Mathews moved to recuse Chairman Brooks from participating in this matter. This motion was seconded by Mr. Smith and carried unanimously on a 6-0 vote. At this time, Chairman Brooks handed the gavel over to Vice-Chairman Cannady to preside over this matter.

Urban Planner Julia Fields said that at the meeting on December 7, 2011, the Planning and Zoning Commission, at the request of the developer of the project, postponed action on the Conditional Zoning Application for White Oak Grove Apartments proposed for property at the corner of Hazel Mill Road and Clayton Avenue. The reason for this postponement was to allow the developer to look at a possible reduction in the proposed density for the site.

The developer has resubmitted a new site plan and elevations showing a reduction in the proposed number of dwelling units from 108 to 92 (16 fewer units). This is achieved by removing one floor on each end of Buildings B and C. While Building A remains a 3/4 split building, Buildings B and C will be 3/4 on the ends with a 4/5 split in the middle. The parking has been reduced from 216 spaces to 184 spaces.

The developer is still proposing the widening of Clayton Road to 24 feet and the entrances on Clayton and Hazel Mill as previously presented. There are 2 or 3 bedrooms proposed for each unit. There is still a proposal that 10% of the units (9) will be affordable meeting the City's standards. She noted that there had been some mention in the staff's original report of a stream in the area; however, after checking there is no stream on the site.

Vice-Chairman Cannady felt it would be appropriate for public comment to be limited to only new information, as this has been discussed on November 2 and December 7, 2011.

Mr. Bob Grasso, applicant, reviewed with Council his revised site plan and elevations showing a reduction in the proposed number of dwelling units from 108 to 92 (16 fewer units). He also explained how the buildings are set into the interior of the property. He acknowledged that there is a traffic problem on Hazel Mill Road during the evening rush; however, due to the location of the project they would not be contributing to the problem at the intersection of Hazel Mill Road and N. Louisiana Avenue. He also noted that they will buffer between their property and properties across the road, noting that was not required. He said they are reducing the scale and visual impact on the surrounding neighborhood, and urged the Commission to support this request.

Mr. Mark Teague, traffic engineer with TM Teague Engineering, spoke about the Traffic Impact Analysis, noting that they did a worse-case scenario study, which noted that the road could handle the traffic, even if the dealership did not close their access on Hawkins Lane.

At 5:19 p.m., Chairman Brooks opened the public hearing.

Mr. Mike Newman, adjoining property owner on Nancy Street, presented the Commission with a petition containing 24 names of people, directly affected by the rezoning, opposing the conditional zoning request. He said the area is mostly middle-class single-family homes in the neighborhood and this development would decrease property values and contribute to the already congested traffic on Hazel Mill Road. He felt this type of housing is not right for the community. He wanted the Commission to decide what is best for the community, not the developer.

Mr. Jay Marlow, local realtor and appraiser, pointed out that the adjoining neighbors are opposed to this project as seen by the petition presented and the video he showed on December 7 showed a very congested intersection. He urged the Commission to vote against this conditional zoning request.

Mr. Tim Sadler, west Asheville resident, spoke against the project as he felt the project did not adhere to Council's strategic goals concerning sustainability.

At 5:24 p.m., Vice-Chairman Cannady closed the public hearing.

Mr. Goldstein noted that the developer has responded to the Commissioner's comments by (1) performing a Traffic Impact Analysis; and (2) reducing the size of the project. He wondered if complying with the City's strategic goals is a basis to grant the higher density.

Ms. Mathews wondered if this is the appropriate location for this project and whether the project fit into the character of the surrounding neighborhood. She agreed with Mr. Goldstein in that the developer has made a good faith attempt to address some of the concerns, e.g., reducing the scale, reducing the number of units, etc. She said that it does aspire to meet Healthy Built Home standards, other sustainable standards, and landscaping well beyond what is required. She felt the project will be different from the rest of the neighborhood but it can be contributing to the community.

Ms. Shriner noted that in the September staff report, staff acknowledges that it does meet the 2025 smart growth development pattern. She agreed that the developer has attempted to address the Commissioner's concerns at some expense to himself. She noted that in 2009 the developer was originally approved for 42 single-family townhomes in 21 separate structures. He has now reduced his project to 92 units in three buildings.

Mr. Smith felt that the Commission has had this developer before them three times and he has addressed the Commissioner's comments. He felt that if the Commission was opposed to the project, they should have opposed it in back in September.

Mr. Goldstein felt three buildings in the interior of the site is less an impact than 21 structures spread around the property.

Ms. Carter did have a lingering concern if the project is the right scale for this area.

In response to Ms. Carter, Mr. Grasso said that his goal is to participate with the developer in the project.

City Attorney Oast reminded the Commission that they are approving the project and not necessarily the developer.

Based on the above findings and the analysis provided in the report, Mr. Goldstein moved to recommend approval of the project, as amended, identified as White Oak Grove Apartments located at 275 and 281 Hazel Mill Road to rezone from RM-8 Residential Multi-Family Medium Density District to RM-16/Conditional Zoning Residential Multi-Family High Density District/Conditional Zoning for the development of 92 apartment units housed in three buildings, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures or full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (5) This project will undergo final review by the TRC prior to issuance of any required permits. This motion was seconded by Mr. Smith and carried unanimously by a 6-0 vote (Chairman Brooks was recused).

At this time, Chairman Brooks resumed his duties as Chairman.

(2) Request to rezone the properties located at 12 Schenck Parkway from CBD Central Business District to HB Highway Business District. The petitioner is Carolina Holdings, Inc., and the contact is David Winburn. The properties are identified as PINs 9644-29-1755 and 9644-29-4313.

Urban Planner Blake Esselstyn oriented the Commission to the site location and said the subject properties are prominently located at the first part of Schenck Parkway (the entrance to Biltmore Park Town Square), and they flank the first developed site one encounters on the north side of Long Shoals Road when heading west from the I-26 interchange. The relevant history of construction and zoning around the site goes back more than ten years.

The flanked area was developed with a gas station, convenience store, and restaurant in 2000. At that time, the operator of these businesses owned a leasehold for the site of this development, but the land was owned by Biltmore Commercial Properties, LLC. None of the site was then in the City of Asheville's zoning jurisdiction; a portion was in the Buncombe County

Limestone Township zoning area—zoned Commercial Services, and a part was not zoned.

In 2001, the City of Asheville expanded its ETJ, and the unzoned portion of the land came into the City's zoning jurisdiction. CBD zoning was applied to the area west of Schenck Parkway as this classification most closely fit the urban design of the Biltmore Park Town Center area already in progress under the County's jurisdiction. (The City's Urban Village zoning district did not yet exist.)

In February 2006, the Master Plan and related zoning change (to Urban Village) for the Biltmore Park Town Square west of Schenck Parkway was approved. The subject properties were not included, as the plans did not affect any changes thereon.

In 2007, the subject properties were part of an annexation by the City of Asheville. The annexation became effective in late 2007, and discussions ensued about assigning a zoning district for the portion of the site which had been in the Buncombe County zoning area. City staff proposed zoning the entire 10+ acre area, including all of the subject site, to Highway Business, to be consistent with the other three corners at the intersection. The landowner (Biltmore Commercial Properties, LLC), however, preferred to maintain the pre-existing CBD zoning, as it provided more options (e.g. building height, residential density) for a future extension of higher impact uses consistent with the nearby urban village, without having to submit a master plan. The CBD zoning became effective for the bulk of the site in early 2009. A "clean-up" annexation and zoning subsequently applied the CBD zoning to a sliver that had been outside the city's jurisdiction.

In late 2010, the adjacent site developed with the gas station, convenience store and restaurant was sold to another party. In spring of 2011, the new owner requested rezoning to Highway Business, so that his businesses and site design would no longer be non-conforming with the zoning district. (CBD zoning not only doesn't ordinarily allow retail gasoline sales, but has building design and setback requirements not met by the existing development.)

As is mentioned above, staff feels that Highway Business would be the most appropriate zoning for the subject area, now mostly wrapped around the back of other properties zoned Highway Business. The current placement of a district promoting urban, multi-story, high-density, pedestrian friendly design tucked behind an area (at the corner of a major intersection) with a suburban corridor zoning district and developed with suburban, single-story automobile-oriented businesses presents a problematic situation in need of a remedy.

The zoning of the 0.03-acre parcel (reserved for signage) is in fact fairly inconsequential, since the standards for that signage are dictated by the larger Biltmore Park sign package approved by City Council. However, it is good practice to make the zoning of such a parcel consistent with abutting zoning, and to eliminate the existing tiny zoning district.

When the gas station parcels were being considered for rezoning earlier this year, staff's only significant reservation was that these two parcels would remain zoned, awkwardly, CBD. This petition has the potential to resolve that concern, and create a more orderly situation in the area.

Shortly before the completion and distribution of this report, staff received communication from Biltmore Park property owners expressing concern about traffic issues near the entrance to the site off Schenck Parkway. Planning staff has relayed this concern to the transportation department, while noting that the proposed zoning would be a shift from one high-impact commercial zoning district to another (a multi-story hotel could be built on the site under the current zoning, for example), and should not be viewed as necessarily increasing traffic potential over the existing situation.

Based on the above findings and the analysis provided in the report, staff finds this

request to be reasonable.

Pros:

- ? HB zoning is highly compatible with the surrounding development and road system.
- ? Would supplant zoning which is both less appropriate for the site and awkwardly configured.

Con:

- ? None noted.

Staff feels that the proposed rezoning would unquestionably be an improvement over the existing situation for the subject properties, and recommends approval of the request.

In response to Vice-Mayor Cannady, Mr. Esselstyn said that the only entrances are off Schenck Parkway.

Chairman Brooks opened the public hearing at 5:37 p.m. and when no one spoke, he closed the public hearing at 5:37 p.m.

Based on the above findings and the analysis provided in the report, Vice-Chairman Cannady moved to recommend rezoning 12 Schenck Parkway from CBD Central Business District to Highway Business District. This motion was seconded by Mr. Goldstein and carried unanimously by a 7-0 vote.

(3) Request to rezone the property located at 2 Gerber Road from UV (Urban Village) to CBII (Community Business II). The petitioner is Babyfish Two, LLC and the contact is Suzanne Godsey. The property is identified at PIN 9655-16-8619.

Urban Planner Alan Glines oriented the Commission to the site and said that in 2000 and 2001 a new zoning district called Urban Village was created in response to broad community interest in allowing more sustainable mixed-use developments that provided a sense of place similar to successful areas in the city such as downtown and Biltmore Village. In response to this interest, the Urban Village District was adopted by City Council in 2001 and the former Gerber Plant site was one of the first to use it. The property was rezoned and a schematic master plan was approved. This was generally accepted to be an improvement over an earlier failed Wal-mart that had been proposed at the same site.

Despite the initial enthusiasm for the zoning option, only the front portion of the urban village (which had been portrayed as '*phase one*' of the entire development) was completed and the remainder of the site across Gerber Road (totaling about two acres) and the large area above the internal road known as Crispin Court remained vacant. Later when the economy began to slow down and economic growth faltered, the developers fell behind with the mortgage and the entire site was foreclosed on by JP Morgan Chase Bank. Recently that bank sold the front commercial area of the site (*phase one*) to private owners who do not own or intend to develop the rear portion of the urban village area – it is this front portion of the property that is the subject of this rezoning.

Over the past few years as the situation with the foreclosure process became clearer, staff has spoken with a number of potential developers who were interested in the undeveloped portion of the site. Through these informal conversations it has become apparent that the preferred form of development for the remaining undeveloped area will likely not be in accord with the original master plan or Urban Village standards and the staff anticipates that eventually a rezoning request will be presented for this property for a more traditional multi-family residential project.

Rezoning to Community Business II (CB II) is only proposed for the 7.22 acre portion of the existing Urban Village site that contains a shopping center, office space and some upper floor residences. The shopping center has a number of retail and restaurant uses with well articulated buildings and a series of parking areas along the internal street with smaller parking areas surrounded by buildings. At least one of eight residential units is occupied. The new owners of the site have requested this zoning change to be better aligned with their long term management plans and the actual use and activity on the site. The site has a good network of sidewalks and ample landscaping for streets and parking areas that meet and in places exceed UDO standards but are in keeping with the original direction of the development. Street access to the site is from both Hendersonville Road and Gerber Road. One of these locations is expected to provide future access to the vacant upper area when it is developed.

The upper site (which totals about 17 acres including 2 acres that are across Gerber Road from the primary parcel) is not proposed for a zoning change at this time and will remain under the Urban Village zoning designation and under separate ownership. The schematic master plan for this portion included locations for buildings and streets and was approved with a mix of residential units and limited commercial development. It can stand alone without the Hendersonville Road section.

The CB II zone is intended to provide areas for medium to high density commercial uses serving several residential neighborhoods. The district requires parking to be placed to the side or rear of the building which is a pedestrian oriented building standard in place to encourage pedestrian access and movement through the district. The location for CB II zoned areas is appropriately located on major thoroughfare streets to ensure adequate access. The list of allowed uses is quite extensive since a district goal is to encourage intensive commercial use meeting the needs of the wider community. Individual buildings cannot exceed 45,000 square feet.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable because the proposed zoning is compatible with the surrounding area and with the development already on the site.

Pros:

- ? The proposal rezoning is responsive to changing market conditions and economic realities
- ? The proposed zoning will be compatible with the surrounding area and the existing development on the parcel
- ? The site can be maintained and improved to preserve its economic viability

Con:

- ? Reduces the likelihood for high density mixed use development (Urban Village style development) on this or adjacent properties.

Staff supports the request to rezone the property to CB II because the surrounding area and the existing development on the site supports this zoning pattern.

In response to Mr. Goldstein about how this rezoning better aligns with the use and activity on the site, Mr. Glines said that CB II encourages a mixed use type of district and is more flexible about the parking. In addition, the scale of the buildings do not exceed 45,000 sq. ft., noting most of the buildings on the site are smaller than that.

In response to Ms. Shriner, Mr. Glines felt that everything existing on the property would comply with the CB II district.

When Ms. Carter asked if there is still a plan for the back portion of the property, Mr. Glines said that there is a conceptual master plan overlaid on the entire property. He said that the back portion can stand alone if it were continue to be developed under the Urban Village District. However, they anticipate a request for rezoning to be submitted in the future.

In response to Ms. Mathews, Mr. Glines said that the internal roads are private roads and will remain private. Access to the rear property will be from Gerber Road (which is a City maintained street).

In response to Ms. Carter, Planning & Development Director Judy Daniel said that we have two Urban Villages that haven't started yet and staff may revisit this zone over time to see if it is really working.

Mr. Matt Sprouse, representing the owners, said that this zoning change will give the owners of the property greater flexibility. They will not change the buildings, but there are some site issues when it comes to parking and leasing spaces. They are focused in getting businesses back in the shopping center.

At 5:56 p.m., Chairman Brooks opened the public hearing.

Ms. Karen McNaulty, resident on Park Avenue, was concerned about what will happen to the rear parcel, as Park Avenue Subdivision on Sweeten Creek Road is above this property.

Another resident on Park Avenue spoke about potential additional parking on the property.

Assistant Planning & Development Director Shannon Tuch explained that the owners just want the zoning to match what is existing on the site. It is unlikely that much, if any, additional development will occur as Mr. Sprouse stated it's mainly to facilitate lease arrangements for parking, etc. If the owners want to build anything that does not match the original master plan, they would have to come back to the Planning & Zoning Commission and adjoining property owners would receive a notice.

At 6:02 p.m., Chairman Brooks closed the public hearing.

Based on the above findings and the analysis provided in the report, Ms. Shriner moved to recommend rezoning 2 Gerber Road from Urban Village to Community Business II District. This motion was seconded by Ms. Mathews and carried unanimously by a 7-0 vote.

At 6:03 p.m., Chairman Brooks announced a short recess.

(4) Ordinance amending Article 5 of Chapter 7 of the Code of Ordinances of the City of Asheville Changes to the Scope of Review for Major Works Projects by the River District Design Review Committee.

Urban Planner Nate Pennington said that the River District Design Review Committee (RDDRC) is requesting changes to the scope of what they review that will require changes to the UDO. These include:

- ? A reduction in the square footage threshold that triggers a major works design review by the RDDRC.
- ? An expansion of the geographical review area (additional properties and zoning districts not already zoned RIVER) that would be subject to river district design review.

Development in the area identified as the River District has increased in the past few years. New construction, demolitions and redevelopment are transforming an area once known

for industry and manufacturing into a vibrant area of mixed uses in and surrounding the well established River Arts District – home to a number of thriving artist's studios and galleries.

With all the new activity, concern has been raised by the RDDRC that the existing square footage threshold for major works review is too large. The most recent concern relates to a newly constructed building on the old Long John Silvers site at 14 Swannanoa River Road. It was under the threshold for review by the Committee (Zoe's Kitchen is 2704 square feet) and thus the RDDRC did not have an opportunity to provide comments to the developer. RDDRC review of new structures is limited to those of 5,000 square feet or more. Smaller structures are reviewed at a staff level as a minor work, although the staff only has the ability to refer to and make suggestions from the River District Design Review Guidelines. Because the RDDRC believes it would be helpful for the City and for developers in the River District to have the benefit of their reviews, they have proposed the expansion of their review to smaller structures and for a larger geography that includes zoning other than River District. The RDDRC is not, however, proposing to change their directive for mandatory review, but voluntary compliance program.

The RDDRC recommended that the threshold for major works review be lowered to 500 square feet. The proposal was presented to the Asheville Area River Redevelopment Commission (AARRC) on November 10, 2011, and the Council's Planning and Economic Development (PED) Committee on November 15, 2011. While both generally supported the rationale for the changes, the PED Committee expressed a concern that the proposed 500 square foot threshold is too low and will subject too many small projects to a required review by the RDDRC. With this support, the proposal related to the threshold for review is being presented to the Planning and Zoning Commission for their review and recommendation. The requested revision to the geographical review area will be considered at a later date when the City's GIS system is integrated into the new permitting software – Accela (currently in the beginning stages of implementation). Implementation of that change would be very difficult for the staff until that new computer software is available.

This proposal does not directly relate to the goals outlined in the SOP but is most closely aligned with the goal for "job growth and community development" by balancing business needs with community needs and concerns.

Pros:

- ? Provides opportunity for additional input related to design review for new construction that would have previously been reviewed on a staff level.
- ? Provides for a more consistent style of design in the river district if recommendations of the RDDRC are incorporated into the design of proposed development.

Cons:

- ? Contributes to the complexity of a permit review.
- ? Subjects smaller projects to formal design review.

The fiscal impact is difficult to determine - increased review times for projects now deemed as major works would be likely.

The Planning staff shares the concern of the PED Committee regarding the 500 square foot threshold. As an alternative, the staff recommends a 1,500 square foot threshold along with an exemption for accessory structures (decks, etc.) and additions to a building primarily occupied by mechanical, electrical and communications equipment (elevator/stairway shafts, HVAC, etc.). Approval of the change to a 1,500 square foot threshold is recommended.

He reiterated that requested revision to the geographical review area will be considered at a later date and the only item before the Commission at this time is the reduction in the square footage threshold that triggers a major works design review by the RDDRC.

Mr. Terry Meek, Chair of the RDDRC, explained how it would be helpful for the City and for developers in the River District to have the benefit of their reviews. The RDDRC believes that the mandatory review but voluntary compliance is still the best approach. They do not want to saddle development with any undue delays or unnecessary additional costs, but they see their review as an opportunity to have more eyes on the project and be proactive. He then gave the Commissioners a brief report on the requested revisions to the geographical review area.

In response to Ms. Carter, Mr. Meek explained how the RDDRC arrived at the 500 sq. ft. number; however, after feedback, he personally believed the 1500 sq. ft. is more reasonable and the majority of the Committee agreed with that footage.

At 6:28 p.m., Chairman Brooks opened the public hearing.

Ms. Mathews said that she served six years on the RDDRC and felt this is a reasonable change. The Committee serves as a resource to development and provides free information and a lot of free design services to individuals. Personally, she never felt there was a resistance on the part of the applicants. She felt it was reasonable to look at a scale of the type of buildings on the River. She also felt we are looking at protecting an economic development zone of the riverfront by looking at design character. She supported the RDDRC's request of 1500 sq. ft., which was also supported by the AARRC and the City Council PED Committee.

In response to Ms. Shriner, Mr. Pennington said that the Committee meets once a month and if a project was to be reviewed, a meeting could be convened within two weeks.

Vice-Chairman Cannady felt that 1500 sq. ft. was too small to be considered by the Committee. He felt that this puts another step in the process to build. He acknowledged the meeting would not be cumbersome, but it is another meeting.

In response to Mr. Goldstein, Mr. Pennington said that there is nothing preventing the developer to going to the RDDRC who has a project less than 5,000 sq. ft. He said they have taken plenty of projects through cursory reviews for people to get advice and then they institute that advice into their designs.

Mr. Goldstein supported keeping the review at 5,000 sq. ft.

Mr. Smith could not support the 1500 sq. ft. review; however, he could support the 2500 sq. ft. review. He agreed with Vice-Chairman Cannady that this is another step that might deter people from developing.

Ms. Shriner felt that a 1500 sq. ft. review is too small and would be willing to support a 2,000 sq. ft. or 2,500 sq. ft. review, especially when you look at the buildings that already exist there and then take into account that they want to expand the area through all the other districts.

When Ms. Carter asked if staff has done an analysis of parcel size, Mr. Meek replied that there is a wide range of parcel sizes and a good number of them are small enough to meet the 1500 sq. ft. threshold.

Ms. Mathews moved to amend the UDO for a reduction in the square footage threshold that triggers a major works design review by the RDDRC from 5,000 sq. ft. to 1,500 sq. ft., with the exemption for accessory structures (decks, etc.) and additions to a building primarily occupied by mechanical, electrical and communications equipment (elevator/stairway shafts, HVAC, etc.). This motion was seconded by Ms. Carter and failed on a 3-4 vote, with Vice-Chairman Cannady, Mr. Goldstein, Ms. Shriner and Mr. Smith voting "no."

When Mr. Smith asked Mr. Meek if the RDDRC would be interested in the Commission raising the limit higher than 1500 sq. ft., Mr. Meek replied that he could not speak on behalf of the Commission as that option has not been discussed with them.

Ms. Shriner then moved to amend the UDO for a reduction in the square footage threshold that triggers a major works design review by the RDDRC from 5,000 sq. ft. to 2,500 sq. ft., with the exemption for accessory structures (decks, etc.) and additions to a building primarily occupied by mechanical, electrical and communications equipment (elevator/stairway shafts, HVAC, etc.). This motion was seconded by Vice-Chairman Cannady and failed on a 3-4 vote, with Mr. Goldstein, Ms. Carter, Ms. Mathews and Mr. Smith voting "no."

Ms. Mathews said she could not support the 2,500 sq. ft. because that is not what was recommended by the RDDRC, the AARRC or the City Council PED Committee.

Chairman Brooks noted that when this proceeds to City Council, it will go as a negative recommendation by the Commission.

(5) Continuation of discussion regarding ordinance amending Article 13, Chapter 7 of the Code of Ordinances of the City of Asheville to discuss options for amending the digital billboard standards

Assistant Planning & Development Director Shannon Tuch said that at the meeting on December 7, 2011, the Planning and Zoning Commission chose to delay consideration of a wording amendment to expand setback and spacing requirements for digital billboards (DBBs). Other options for regulation, including the removal of all standards to allow DBBs, were also discussed and the matter was continued to allow staff time to research and outline alternatives for regulation. Five options are presented below for consideration. One or more could be pursued. Should the majority of the Commission recommend one of the options outlined below (or some variant thereof), staff will return to the February 1, 2012, meeting with a revised ordinance reflecting that recommendation.

Staff has met with representatives of Lamar and Fairway outdoor advertising to discuss the possible options. These representatives expressed support for both options #1 and #2 and do intend to attend the January 4, 2011, meeting to make comment and answer questions.

OPTIONS

- 1) Amend/expand setback and spacing standards. As initially recommended by staff, this option proposes to add a setback from the edge of pavement for narrower corridors (and not just from a right-of-way), ensuring that the sign structure be a minimum of 50-feet from the travel lane. In addition, staff recommended revising the spacing from a "residential structure" to be spacing from a "residential structure or mixed use building containing residential units". This was intended to help preserve the living standard for any existing residential unit and not just those units included in exclusively residential structures. Of the options discussed, this amendment has the smallest impact on the current standards.
- 2) Eliminate certain corridors (or portions of certain corridors) from the overlay area. As discussed in the December 7, 2011, report, another alternative to Option #1 is to simply eliminate certain corridors from consideration. This can be done instead of, or in conjunction with, Option #1 and would allow corridors with certain problematic characteristics or sensitivities to be removed from consideration.
- 3) Comprehensively amend digital billboard standards. Billboards in general have historically been mired in controversy over their impact on:
 - ? Roadside and community aesthetics,

- ? Tourism and community's placemaking qualities,
- ? Property values & other economic impacts,
- ? Effectiveness of advertising, and
- ? Safety (primarily as a distraction for drivers)

Digital Billboards (DBBs) have only added to the controversy and it continues to be challenging to find unbiased information on this subject. What is clear is that all billboards and other distractions contribute to an increasingly difficult driving environment where a variety of external elements compete for a driver's attention. As new technology with potential to grow and change, the regulation of the most concerning aspects of DBBs (primarily related to brightness and legibility) does appear warranted. The following list identifies the basic standards required for DBBs in Asheville and many other cities where they are regulated:

- a. **Conversion** – for each new DBB, the equivalent of 3 times the square footage of the sign to be erected must be removed.
- b. **Size of sign face** – minimum of 200 s.f. up to a maximum of 380 s.f. (all 9 Asheville billboards are approximately 300 s.f.)
- c. **Number of faces** – maximum of two faces per sign (none of the DBBs in Asheville are double faced with digital signs. The Merrimon sign has a second face that is static)
- d. **Number of advertisements** – maximum of six separate advertisements, plus one public service advertisement.
- e. **Height** – maximum of 40 feet tall
- f. **Setbacks** – 10 feet from right-of-way when located on a corridor greater than 75-feet wide, and 20 feet when located on a corridor less than 75-feet wide
- g. **Spacing from:**
 - ? Residential structures – a minimum of 50 feet
 - ? Residential zoning – a minimum of 100 feet
 - ? Scenic highway or parkway – a minimum of 2000 feet
 - ? Other digital signs facing the same direction – a minimum of 2000 feet
 - ? Other static billboards – 500 feet when on opposite sides of the road, 1000 feet on the same side
- h. **Specified corridors** – can only be located in one of the nine major commercial corridors (Sweeten Creek, Patton, Tunnel, Hendersonville, Long Shoals, Airport, Merrimon, Leicester, Brevard). No billboards may be located in the CBD.
- i. **Brightness** – 7,500 nits per daytime hours, 1000 nits during nighttime hours
- j. **Dwell time** – a minimum of 8 seconds
- k. **Transition** – must be instantaneous, no special effects
- l. **Animation** – prohibited
- m. **Message sequencing** - prohibited
- n. **Photo cell & dimmer control** – required to adjust to ambient light
- o. **Text size** – a minimum of 7 inches up to a minimum of 15 inches depending on speed limits (i.e. the faster the speeds, the larger the text size must be)

New reports attempt to identify some of the most concerning aspects of digital billboards and what can be done to control them. These features generally include: brightness and legibility related to dwell time (related to how long a graphic image remains before changing) and message sequencing. As indicated above, Asheville's ordinance already controls for all of these aspects to some degree. Whether these or other controls are adequate can be explored through this option for a comprehensive amendment. Staff also believes that any new or strengthened standards could not be retroactively applied to existing signs until such a time that the sign is updated or replaced with new hardware.

Staff provided the Commissioners with several digital billboard references that staff reviewed as they felt it might be beneficial for the Commissioners to review as well.

4) Allow digital billboards through a Conditional Use Permit (CUP). Recognizing suitability/compatibility of a DBB may depend largely on its specific features and surrounding context, a CUP would allow for individualized review on a case-by-case basis. A CUP is a special application process that will typically require that a proposal comply with some special development standards but must also comply with seven Conditional Use findings before being approved by the City Council. This process is quasi-judicial that prohibits *ex parte* communication and requires that the City Council base their decisions on only the evidence presented during the hearing. It is generally a good tool for highly specialized, but potentially impactful uses such as detention centers, telecommunication towers, or very large commercial projects, but they can also present legal difficulties if a permit is denied. The challenge lies in the somewhat subjective nature of a few of the findings, which are listed here reference:

- ? That the proposed use or development of the land will not materially endanger the public health or safety.
- ? That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.
- ? That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.
- ? That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.
- ? That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.
- ? That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.
- ? That the proposed use will not cause undue traffic congestion or create a traffic hazard.

To deny a CUP requires very clear and conclusive evidence that one or more of these findings are not met. Given the nature of the controversy surrounding DBBs, this may be difficult. Staff believes it more legally defensible to either heavily regulate or eliminate standards altogether, however, new or additional findings could be considered to help mitigate this concern.

5) Remove standards that allow digital billboards. A 10 year agreement between the City of Asheville and the Outdoor Advertising companies prevents changes to the standards regulating static billboards until 2014. However, DBB standards were not covered under the 2004 agreement and can be modified or eliminated. There are nine DBBs that have been established within Asheville's corporate limits. To eliminate the standard that would allow digital billboards prevents the addition of any new DBB's to the inventory but would not impact the existing boards except to render them non-conforming. As a non-conforming sign, the sign could not be expanded. Options for replacement or relocation of may need to be specifically detailed in the ordinance.

Staff also notes that while it is possible to prevent any more digital billboards from being erected, removal of existing DBBs (or any billboard) is problematic. State legislation prevents the amortization of billboards over time without compensation, rendering amortization a difficult and very expensive, option.

Ms. Tuch responded to various questions/comments from the Commissioners, some being, but is not limited to: confirmation of the conversion ratio being the equivalent of 3 times the square footage of the sign to be erected must be removed; how does the City enforce the digital billboard standards; and how much square footage in billboards do we have.

In response to Ms. Mathews, Ms. Tuch said that regarding enforcement of the brightness, the manufacturer supplies the City with specifications that say the maximum brightness will not exceed 7500 nits. The City itself does not have a luminance meter. She said that the City also requires that those billboards be equipped with a photocell that adjusts the brightness based on the ambient light.

When Ms. Mathews asked how the City arrived at the 7500 nits cap standard, Ms. Tuch said that staff looked at standards adopted elsewhere in the country. Seventy-five hundred seemed to be the common measurement. It was very difficult for staff to understand what that meant and they relied on other people's research.

In response to Vice-Chairman Cannady, Ms. Tuch said that the only way billboards can be added in the City now is by swapping them out, consolidating them, or expanding our corporate boundaries. If there are billboards in the area that we incorporate, then we give them an opportunity to register their billboard. These standards also apply in the City's extraterritorial jurisdiction.

In response to Ms. Mathews, Ms. Tuch said that under the 2004 ten-year agreement, a conventional billboard is allowed to have maintenance done without a permit. However, if they are removing or relocating a structure, or making major modifications, they must comply with whatever standards are in place at that time and that would require a new permit.

City Attorney Oast said that what the 2004 agreement provides is that we may not adopt an ordinance that requires any further removal of billboards until 2014. In 2005 a law was adopted that limited our ability to do that anyhow.

In response to Ms. Mathews, Ms. Tuch said there is no cap on the number of digital billboards we can have. In theory, they could take down all the conventional billboards and replace them eventually with digital billboards. City Attorney Oast said that there are about 100 conventional billboards in the City that are subject to our ordinance. He also noted that all of those boards vary significantly in size, but there could be no more than approximately 33 digital billboards.

The following individuals spoke against digital billboards, especially the one on Merrimon Avenue, for various reasons, some being, but are not limited to: they ruin the sense of neighborhood; they negatively impact neighboring properties and homes that are trying to be sold; distraction of drivers; light pollution; because of our topography, many homes look down onto digital billboards; billboards are not good for business; billboards affect economic development; billboards are not good for tourism; billboards are a blight on our landscape; billboard on Merrimon Avenue should be removed; ban all billboards and suggestion not to support businesses that advertise on them; request a moratorium on additional digital billboards for a period of time to allow staff time to research the safety of digital billboards; support eliminating billboards in certain corridors, especially those adjoining residential neighborhoods; need to begin discussion on how we can approach phasing out digital billboards; the downtown area found a way to get rid of all their billboards and it helped improve the economic value; another option should be to uphold the 2025 Plan transportation goal that "new billboards shall

not be allowed along any road corridors and existing ones should be amortized and removed unless adjacent to federal and primary highways"; intensive pedestrian use at the intersection of Coleman Avenue and Merrimon Avenue near the digital billboard; and don't put the interest of national businesses (Lamar & Fairway) ahead of local businesses:

Mr. Tyler Martin, resident on Skyland Drive
Mr. Steve Farrell, resident on Beaucatcher Mountain
Mr. Alan Escovitz, resident on Macon Avenue, Vice-President of the Grove Park
Neighborhood Association, Executive Committee of the Coalition of Asheville
Neighborhoods and Co-Chair of the Asheville Billboard Community Action
Committee
Ms. Tina Kessinger, property owner on Coleman Avenue
Mr. Mike Lewis, resident in north Asheville
Ms. Valerie Hoh
Ms. Grace Curry, representing the local Sierra Club
Mr. Bob Trout
Mr. Don Lilienfeld
Ms. Jane Northway, resident on Edgemont Road and member of the Asheville Billboard
Community Action Committee (alleged she had 1800 signatures of people who
are opposed to Merrimon Avenue billboard)
Ms. Dakota Forgione, resident on Macon Avenue
Mr. Joe Minicozzi, resident on Brucemont Circle
Mr. Tony Hauser, resident on Melrose Avenue
Mr. Steve Rasmussen, resident on Clinton Avenue
Mr. Tim Sadler

Mr. Bobby Soule, Vice-President and General Manager of Lamar Advertising, showed a picture of how many billboards his company had up in Asheville four years ago. With the new technology in digital made available, his company took over 100 billboard faces down and put up 8 digital billboards. They worked with the City of Asheville to make that happen. Over 85% of the billboard faces they took down were north of I-40. Five of his 8 installed are south of I-40. He was proud of the amount of local public service announcements. Before digital he never ran any local public service announcements because most public service and non-profits couldn't afford the vinyl that go on the conventional billboards. There is now no charge for them. He has run over 100 different ads over the last 1.5 years for over 25 local public services. He said they look forward to working with the City in making the digital ordinance even better than it is.

In response to Mr. Smith, Mr. Soule explained that the City of Asheville gave them an incentive to take down the 100 billboard faces.

In response to Mr. Goldstein, Mr. Soule said that his company did not put up the Merrimon Avenue digital billboard. He said that approximately 95% of the advertisers on his digital billboards are local businesses.

When Vice-Chairman Cannady asked if the brightness level can be reduced at night, Mr. Soule said that there are a handful of manufacturers that produce them and they have designed them with internal sensors. The sensors are pre-programmed to be able to be so-bright during the day and based on the brightness level of outside, they adjust. He noted the brightness standards of the City, to his knowledge, are similar to almost every municipality that allows digital billboards.

When Mr. Goldstein asked if the technology is out there in the sensors to dim more at night if there is no movement or traffic, Mr. Soule said that right now that technology is not available.

Mr. Terry Graves, General Manager of Fairway Outdoor Advertising, said they have been in the community a long time. They also do a lot with public service announcements. Another

attribute of digital advertising is, because of the nature of digital, we can involve the community in different ways quicker, such as, Amber Alerts and social media. We have received a lot of positive feedback and exposure from those social media aspects. He noted that he was part of the negotiations when billboards were banned from downtown and said that Fairway is committed to continuing to work with the City.

At 7:58 p.m., Chairman Brooks closed the public hearing.

Chairman Brooks said that the purpose of this meeting is to provide staff with direction.

Ms. Mathews said that she also serves on the Sustainable Advisory Committee on Energy & the Environment. She quoted from an article "Illuminating the Issues" written on digital signage and basically sustainability. The article states that digital billboard uses 162,902 kilowatt hours for a \$22,000 electrical bill for one year. That quantifies that digital billboards are increasing our carbon footprint in terms of our energy usage as a City. Another point is the idea of luminance. The typical ambient roadway illumination at night is 1 nit and 40 nits is the maximum brightness level that the Illuminating Engineering Society of North American Standards would recommend. Asheville allows 1,000 nits. She also noted that 6500 nits is like looking at the sun and Asheville allows 7500 nits. In addition, the article alludes that shielding is not really doing what we think it's doing. It is shielding, but it is not shielding for actual light leakage and is actually creating more of a dark sky issue than we think. Her concern is just not the Merrimon Avenue digital billboard, but all digital billboards. She would like to stop them from being erected. The 2011 article also has a list of all the municipalities that either ban or limit digital billboards.

Mr. Smith said that Asheville is very unique and we should not be adopting standards from other cities, due to Asheville's topography. He could support Option 2 along with Option 3.

Chairman Brooks pointed out that the Planning & Zoning Commission had nothing to do with the Merrimon Avenue digital billboard. The objective and discussion at this meeting is to give staff direction on a wording amendment, as there are not any real avenues to take down digital billboards. He agreed with Mr. Smith that rules that are made in flat cities really don't apply in Asheville. He is sensitive to the impact of property values and views. He felt that everyone agrees that there are places where digital billboards are inappropriate, but there is disagreement where digital billboards are appropriate. Personally he felt there are locations where they are appropriate, but not on Merrimon Avenue. He also had respect for not only the rights of the billboard companies, but for the companies that advertise on the billboards. The public service announcements and Amber Alerts are positive features. He felt staff has provided the Commission with some good options and he could support Option 2.

Vice-Chairman Cannady supported Option 2 by helping identify the locations where digital billboards are more acceptable.

Ms. Shriner finds the digital billboard on Merrimon Avenue appalling due to its overwhelming distraction for drivers. She too questioned the enforcement and maintenance of the standards. She felt that the safety of all the drivers on the corridors where the digital billboards are located outweighs the green aspects of digital billboards. She supported Option 5 but if she had to compromise, she could support Options 1 and 2.

In response to Ms. Shriner, Ms. Tuch said that there may be a way to relocate the digital billboard on Merrimon Avenue through a separate agreement.

Ms. Carter agreed with Ms. Shriner. There was a reason why City Council went through a negotiation process with the outdoor advertising companies since there was no way to get rid of all the billboards in the City. She felt the intent behind that agreement was Asheville did not want billboards. Her preference would be Option 5 or a compromise of Options 2 and 1. It would be helpful for her to see a map of the corridors where digital billboards are allowed in context to

where they are located in connection with residential areas. She would definitely support a compromise position to remove the digital billboard on Merrimon Avenue in exchange for something else.

Mr. Goldstein supported doing both Options 1 and 2. He would also consider a temporary moratorium to study some negotiating options moving forward. He would like more information on if there is technology for the digital billboards to go dark if there is no activity.

Ms. Mathews supported Option 5. She understands we have 9 digital billboards which will remain, unless they can be renegotiated outside of this venue. We have a choice for the quality of our community and we also have the choice to stop anymore from being constructed. Option 2 may sound attractive to others (not to her), but when we look at the long-range goals of the City to have more urban infill along transit corridors, these are some of the same roads we are talking about for digital billboards. If we are ever going to get the corridors to become mixed-use corridors that have people living and working in them, they will not want digital billboards. She would be open for a moratorium as a way to at least get more information.

After Ms. Tuch tallied up the options chosen by the Commissioners, there was no majority consensus on an option. Because this is a complex issue, even if the Commission supported Options 2 and 3, she would not have enough time to have an ordinance ready for the next Commission meeting. She offered one option which could be to give staff direction to remove digital billboard standards to allow time for more study and come back to the Commission in 6 months with a proposal. Or, another option is to move forward with an ordinance for Options 2 and 3, but make it clear to Council that 3 of the 7 Commission members, with some interest from a 4th member, supported removing digital billboard standards altogether and then let City Council decide if that's appropriate or not.

In response to Chairman Brooks, City Attorney Oast said that the options are not mutually exclusive so the Commission can move forward with more than one at the same time.

In response to Ms. Carter, Ms. Tuch said that if staff's direction is to amend the standards to strengthen controls over billboards, staff would not be satisfying that charge if they effectively strengthened them so severe to prohibit them.

Mr. Goldstein's thought process about a moratorium is that we are in year 2012 of the agreement that runs out in 2014. If we institute a moratorium for 6 months or a year, that gives us the opportunity to also think about what the community will look like going forward and gives us a chance to negotiate the 9 billboards currently there.

In response to Mr. Goldstein regarding a moratorium, Ms. Tuch said that if it's the Commission's intent or preference to give ourselves 6 months or a year to look at these standards, we could proceed with removing the standards altogether, but with the specific intent that we will continue to research, try to get unbiased information, and come back with a report to the Commission in 6 or 12 months. At that time, the Commission would make a recommendation to Council.

Ms. Shriner proposed to recommend to City Council that for either 6 months or 1 year we remove the digital billboard standards in order to give staff time to continue research the safety of digital billboards. That would mean that the 9 existing digital billboards would remain but no more could be erected in the next 6 or 12 months.

Ms. Mathews supported eliminating the standards for one year.

Vice-Chairman Cannady didn't think the 3 minutes we allowed the two industry representatives to speak was enough time for them to explain what their plans were or what this moratorium would do to them. He felt it was unfair to stop a person's business for one year.

Ms. Tuch clarified that this proposal does not prevent them from continuing to get advertising revenue from the digital billboards that they have or to do any other work with any of their other conventional billboards. It just prevents them from adding more digital billboards. Right now there are separation requirements for the digital billboards and we have not maxed out the potential locations for boards, but at some point we would in theory. She was not sure how many more digital billboards are planned.

Mr. Smith agreed with Vice-Chairman Cannady. Personally he didn't like digital billboards, but he didn't think the Commission should put a stop to this large industry without having more information. We had only 2 representatives from the outdoor advertising industry to speak and to place a moratorium on them for one year is harsh.

Chairman Brooks did feel there are places in this City that digital billboards are appropriate and the ability to eliminate conventional billboards in some areas to have one in an area that is not a big detriment is a positive thing.

Ms. Tuch said that there is a process for a moratorium, but she was trying to take a simplified approach, through a wording amendment, to eliminate the standards for now and let staff research it and come back to the Commission in the next 6-12 months with a new set of standards that will strengthen the controls and potential locations, unless they get different direction from City Council.

City Attorney Oast said that in essence, the City Council can repeal the digital billboard standards with the idea that it will be revisited in 6-12 months.

Ms. Tuch said that it would be helpful to have the majority of the Commission support the idea to remove the standards temporarily for the next 6-12 months. She would then come back at the next Commission meeting with an ordinance amendment that would repeal those standards. That ordinance amendment would then go to City Council and then in 6-12 months staff will come back with a new proposal to the Commission that will add new standards. The alternative is to take 3-6 more months for staff to develop more heavily revised and well-researched standards, and in that time you run the risk that more digital billboards will go up.

Mr. Goldstein also said an alternative would be to adopt Option 2 until staff does their additional research.

Ms. Mathews moved to recommend to City Council that the digital billboard ordinance be suspended for a period of 6-12 months to allow staff to review the ordinance and come back to the Commission with additional information. She said it would be up to Council's discretion of whether the moratorium be 6 or 12 months.

In response to Mr. Smith, City Attorney Oast clarified that the Commission is directing staff to come back to the Commission with an ordinance amendment and then that recommendation would go to Council.

When Ms. Mathews said that her motion was not to have something come back to the Commissioners, but to make a recommendation to ask Council to eliminate the digital billboard ordinance for a period of 6-12 months to allow us to continue to work on it., City Attorney Oast said that the Commission does not have authority to do that at this meeting. Ms. Tuch also responded that she will need to come back to the next Commission meeting with a Code amendment, which the Commission must review, prior to going to City Council.

Mr. Goldstein said that he was not necessarily anti-digital billboards, but anti-digital billboards in certain locations. He felt the most prudent thing to do is to protect the community in

certain areas from having additional digital billboards as quickly as possible and then study the issue. He supported the original wording amendment combining Options 1 and 2.

Mr. Smith said that if staff needs additional time to research this issue, he would support 6 months. Ms. Tuch responded that it might be appropriate to give staff at least 6 months, but not exceed 12 months.

In response to Chairman Brooks, Ms. Tuch said that during the research time staff would be studying the corridors and comprehensively amending the standards.

When Vice-Chairman Cannady suggested the two industry representatives be allowed to comment on the impact of this change on them, City Attorney Oast felt it might be more appropriate for those comments when the public hearing on the Code amendment is before the Commission at the next meeting.

Chairman Brooks would support a short moratorium if there was a focused effort on refining the standards.

Ms. Carter supported 6-12 months, but in 6 months the Commission receive a progress report. City Attorney Oast said that if the Commission can proceed with a recommendation to City Council to repeal the standards for the digital billboards (with no time limit on it) and then the Commission can decide if they want to initiate an amendment to re-establish certain standards for billboards. That does not have to be limited to 6 or 12 months.

Chairman Brooks suggested supporting a wording amendment in February that would protect the corridors (Option 2). Since Option 1 was initially designed as a response to the Merrimon Avenue digital billboard, Mr. Goldstein would support removing the Merrimon Avenue Corridor from the list.

Ms. Tuch said that removing Merrimon Avenue from the list of corridors is simple and that is no problem – she can bring an ordinance back before the Commission in February. However, if we are going to comprehensively look at something more, it will take more time than that. If there is concern about what can happen in the interim, then she would recommend we remove the standards. If there is not a high level of concern, then she will go back and start studying the standards now.

In response to Ms. Carter, Ms. Tuch said that there are no applications pending for digital billboards at this time. If someone were to submit an application, it would take approximately 3-7 days to get a permit issued.

In response to Vice-Chairman Cannady, City Attorney Oast said that the 2004 10-year agreement that was negotiated with the billboard companies prohibits us from adopting regulations that would require the removal or amortization of billboards. We can't adopt ordinance amendments that limit their ability to put up billboards before 2014. When 2014 comes and goes, he was not sure how much will change because in 2005 a new law was passed which limits our ability to do that anyway. At least now the number of billboards in Asheville cannot increase.

In response to Vice-Chairman Cannady, Ms. Tuch said that if someone constructed a digital billboard tomorrow, in 2014 the billboard would be non-conforming but it would not have to come down.

Ms. Mathews reiterated her motion to recommend to City Council that the digital billboard standards be suspended for a period of up to 12 months to allow staff to review the ordinance and come back to the Commission with additional information. This motion was seconded by Ms. Carter. Ms. Shriner said that if the motion passes, Ms. Tuch will come back at the next meeting

with an ordinance amendment and then that recommendation would go to Council. The motion failed on a 3-4 vote, with Chairman Brooks, Vice-Chairman Cannady, Mr. Goldstein and Mr. Smith voting "no."

Mr. Goldstein moved to recommend to City Council Option 1, which provides for a limited adjustment to the setbacks and separation requirements for narrow corridors. This motion was seconded by Chairman Brooks, and failed on a 3-4 vote, with Ms. Carter, Ms. Mathews, Mr. Smith and Ms. Shriner voting "no."

Chairman Brooks moved to recommend to City Council a combination of Options 1 and Option 2, and note that the Commission is interested in directing staff to continue to research the item and come back with another amendment during an appropriate period of time. This motion was seconded by Mr. Goldstein. Ms. Tuch said that she will come back to the next meeting with an ordinance amendment and then that recommendation would go to Council. This motion carried on a 4-2 vote, with Ms. Carter and Ms. Mathews voting "no."

Other Business

Staff noted that a mid-month meeting of the Commission would not be necessary.

Chairman Brooks announced the next meeting on February 1, 2012, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 9:09 p.m., Chairman Brooks moved to adjourn the meeting. This motion was seconded by Mr. Smith and carried unanimously on a 7-0 vote.